

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DORIAN V. NEAL,

Plaintiff,

v.

REED RICHARDSON, et al.

Defendants.

ORDER

Case No. 17-cv-146-wmc

Plaintiff Dorian V. Neal has submitted a certified copy of a trust fund account statement in support of the motion for leave to proceed without prepaying the filing fee. After considering the motion and supporting documentation, the court concludes that plaintiff qualifies for indigent status.

Even when a prisoner litigant qualifies for indigent status, the litigant must pay an initial partial filing fee calculated by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's trust fund account statement, I find plaintiff's initial partial filing fee to be \$350.00. For this case to proceed, plaintiff must submit this amount on or before June 19, 2017.

Plaintiff also filed a motion for reconsideration of the court's order denying his request to use release account funds to pay the entire fee for filing this case. (Dkt. #7). I will now grant this motion, but only because plaintiff qualifies for indigent status and his initial filing fee payment is \$350, the full filing fee. Accordingly, plaintiff should arrange with authorities to pay the \$350 from his accounts. This order does not alter this court's conclusion that § 1915 does not permit this court to access prisoners' release accounts in collecting payments other than the initial partial filing fee. (See dkt. #6.)

ORDER

IT IS ORDERED that,

1. Plaintiff Dorian V. Neal is assessed \$350.00 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$350.00 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before June 19, 2017.

2. Plaintiff Dorian V. Neal's motion for use of release account funds to pay the filing fee in this case (dkt. #7) is GRANTED.

3. If, by June 19, 2017, plaintiff fails to make the \$350.00 payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.

4. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, a separate order will issue.

Entered this 30th day of May, 2017.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge